

United States Senate  
WASHINGTON, DC 20510-4802

February 15, 2006

Dear Secretary Chao:

I am writing in response to the announcement last week by Acting Assistant Secretary David Dye of proposed temporary standards to improve rescue operations for miners. While I believe miners would greatly benefit from enforcement of these proposed revisions, I remain concerned about how and when the emergency changes will go into effect, their intended duration, and what your reasons might be for delaying long-term implementation of the new standards.

The mine safety improvements you have announced are very welcome news to me and to the brave men and women working in mines in West Virginia and around the country, but I hope you will agree that your proposed changes constitute only a first and very basic step toward an adequate level of safety for America's miners. To continue on this path, I would urge you to use your existing statutory authority to expedite action on all provisions in the legislation I introduced jointly with Senator Byrd and our West Virginia House colleagues earlier this month.

Our legislation, the Federal Mine Safety and Health Act of 2006, calls on the Department of Labor to use its current authority to promote deployment of new communications and breathing technologies, and to require miner operators to have on-site mine rescue teams. I would hope that the Department of Labor and the President would work with the bipartisan West Virginia delegation to see mine safety legislation passed this year. The Senate version of our bill, S. 2231, is attached to this letter.

The first two months of 2006 have been extremely difficult and heartbreaking for my state of West Virginia. Families of sixteen West Virginia miners are grieving for their lost husbands, fathers, son, and brothers. Friends of the deceased miners and all West Virginians have rallied around these stricken families, and it is my solemn responsibility as an elected official to do my best to answer their pleas for much-needed improvements in mine safety with action. Together with mine fatalities in Kentucky and Utah, the nineteen deaths so far in 2006 puts our coal mines sadly on pace for one of the worst years for mining deaths in more than two decades.

Anyone who follows the coal industry knows that while there has been a general trend toward fewer fatalities in our mines, there is no doubt that coal mining remains one of the most dangerous professions. We need to look no further than the number of deaths in mines in West Virginia, Kentucky, and Utah in just the past few weeks to understand

this painful truth. In light of the danger that always exists for our coal miners, I remain troubled by MSHA's apparent move over the last five years to favor coal operators in virtually all regulatory changes. I do not question the dedication or professionalism of the agency's safety officials, but I continue to believe that an understandable desire for cooperation between industry and regulators should not subvert an agency's responsibility to rigorously enforce laws enacted to protect miners.

On behalf of miners in West Virginia and throughout the United States I urge you to seriously consider including all of the provisions in the legislation introduced by the West Virginia delegation in any emergency rulemaking you should publish. I believe firmly that a failure to address all known deficiencies in the current MSHA regulatory agenda could lead to additional deaths or serious injuries to miners in Appalachia and other coal-producing regions. I trust you will agree that such an outcome would be senseless and inexcusable.

Please accept my sincere gratitude for the moves to be taken on behalf of miners. I hope you will provide specifics in the near future on how you plan to carry out these revisions. In the meantime, I look forward to continued dialogue and further efforts by Congress, the Administration, and the coal industry to improve miners' safety and health.

Sincerely,



John D. Rockefeller IV

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cc: The Honorable David Dye